



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/814,857	03/31/2004	Deepali Dattatray Wagh	U 015124-1	5595

7590 07/11/2008
William R. Evans
Ladas & Parry
26 West 61 Street
New York, NY 10023

EXAMINER

HENDRICKSON, STUART L

ART UNIT	PAPER NUMBER
----------	--------------

1793

MAIL DATE	DELIVERY MODE
-----------	---------------

07/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/814,857	Applicant(s) WAGH ET AL.	
	Examiner Stuart Hendrickson	Art Unit 1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/31/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 5, 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over MacDowall 5162286.

The reference teaches grinding coconut shells to 40 microns (400 mesh is 37 microns) and treating with phosphoric acid or ZnCl_2 , followed by drying, carbonization, cooling and washing and drying. The term 'carbonization' implies an inert atmosphere. See fig. 1 and col. 2-3. While the reference does not explicitly teach the present pretreatment of the shells, doing so is an obvious expedient to avoid impurities and contamination. Concerning claim 2, the claimed ranges encompass the practical working laboratory concentrations expected to be available and are obvious as an optimization of amount of reagent versus is result-effective effect.

Claims 1, 5-10, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otowa 5064805.

Otowa teaches treating coconut shells with KOH, heating (drying- 'dehydration'), carbonizing, cooling, washing and drying. See col. 2 and ex. 1 and ex. 6 in particular. Concerning claims 6 and 7 the heating regimes taught are similar to the temperatures claimed; note that the melting of the KOH (and temperatures suitable therefor) correspond to claim 6. The heating rate and resultant time is a matter of routine optimization and over performance characteristics. While the reference does not explicitly teach the present pretreatment of the shells, doing so is an obvious expedient to avoid impurities and contamination. The final BET area can vary widely- see ex. 6. For claim 12, using an acid to wash is an obvious expedient to neutralize the strong base used.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Derbyshire et al. 6057262.

The reference teaches treating coconut shells- see col. 3, 4, 6 in particular. While the reference does not explicitly teach the present pretreatment of the shells, doing so is an obvious expedient to avoid impurities and contamination. Concerning claim 11, using a long drying time is an obvious expedient to gain the effect of the activating agent. Concerning claims 6 and 7, the temperatures and times can be optimized for desired effect. The leaching agent of col. 3 suggest claim 12. Concerning the concentration of claim 2, the claimed ranges encompass the practical working laboratory concentrations expected to be available and are obvious as an optimization of amount of reagent versus is result-effective effect.

Applicant's arguments filed 3/31/08 have been fully considered but they are not persuasive.

The claims encompass an oven using an inert atmosphere and heating up to 800 degrees; as it heats up, it passes through a stage where it is 300-400 degrees. Hence, the claims are unpatentable over MacDowall and Derbyshire. The references use cocoanut, so the argument that the source is the determining factor undercuts the argument that the temperature difference imparts patentability. Concerning the carbonization, this is illustrated in ex. 1 of Otowa, '262 col. 6 line 63 and the Hu CARBON reference on pg. 877. Thus, ample evidence exists on the record already. The implied unexpected results are not claimed or demonstrated. The fact that active carbon has many uses is of no moment; a method of use is not claimed. Otowa's use of melted KOH does not detract from the particle size of the cocoanut they use; the claims do not exclude the extraneous liquid. It is recommended that applicant inspects the specification to see if 'hydride' is an error.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to examiner Hendrickson at telephone number (571) 272-1351.

/Stuart Hendrickson/
examiner Art Unit 1793